

## **The complaint**

Miss R has complained about Aviva Insurance Limited's handling of a claim made under her motor insurance policy.

## **What happened**

The details of this complaint are well known to both parties, so I won't repeat them again here. Instead I'll focus on giving the reasons for my decision.

## **What I've decided – and why**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Having done so I agree with the conclusions reached by the investigator for the following reasons:

- Firstly I should explain that I've focused on what I find are the key issues here. Our rules allow me to take this approach. It simply reflects the informal nature of our service as a free alternative to the courts. The relevant regulator's rules provide that insurers must handle claims promptly and fairly and mustn't unreasonably reject a claim. So I've considered, amongst other things, the relevant law, the policy terms and the available evidence, to decide whether I think Aviva treated Miss R fairly.
- As is common in motor insurance policies, Aviva retains discretion with regards to claim settlement. Under the General Conditions of Miss R's policy the claims procedure is set out. It provides: *We shall have full discretion in the conduct of any proceedings or the settlement of any claim.*
- I understand why Miss R was disappointed by the way Aviva settled the third party claim made against her. In summary she entered a roundabout to turn left and was in the middle lane due to the volume of traffic exiting left. There was a collision with a third party who was in the left hand lane but going straight ahead. Miss R felt that the third party was in the wrong – she has said that they were driving fast and not indicating. Importantly, our role isn't to decide who was at fault for an accident, but to ensure that the insurer handles the claim in a fair and reasonable manner. Aviva considered the claim and didn't find it could defend it on the evidence. Having reviewed the file I'm satisfied that Aviva fairly considered all the circumstances and representations before concluding that Miss R was liable.
- It follows from this conclusion that Aviva was entitled to treat this as a fault claim. There is nothing whatsoever to suggest that it took inappropriate considerations, such as race, into consideration when reaching this conclusion. I appreciate that the matter will have a financial impact and has been stressful for Miss R, but in all the circumstances I don't find that it has treated her unfairly, contrary to her policy terms or to law.

- Miss R has also complained that a manager from Aviva shouted at her. I've listened to the call. The manager asked why Miss R felt that the decision was racist. I don't agree that the manager shouted at Miss R. I understand that Miss R feels very strongly about the claim and that she wasn't at fault. But I don't find that Aviva did anything wrong in relation to this call or treated Miss R unfairly or unreasonably in the assessment of the claim. Call recordings were sent to Miss R by this Service in May 2025, she made no further comment.
- I recognise that this wasn't the outcome Miss R was hoping for and I'm sorry that I haven't been able to bring her welcome news on this occasion.

### **My final decision**

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss R to accept or reject my decision before 21 July 2025.

Lindsey Woloski  
**Ombudsman**